

## **REMARKS/ARGUMENTS**

### ***Amendments in General***

Claim 1 has been amended to specify that the extensions, which are “configured to be of a greater height than said top cover when said top cover is laid flat upon said same surface upon which said bottom wall also rests,” are configured to “overlap and contact a portion of one of said pair of opposing side walls . . . .” Claim 25 has similarly been amended to specify that the extensions, which are configured to be of a greater height than said top when said container is in said first open position,” are configured to “overlap and contact a portion of said first pair of opposing sides when said top is in said closed position . . . .” These amendments are supported in the application as filed at paragraph [0039] and Figure 2, which shows the extensions overlapping and contacting a portion of one of said pair of opposing side walls.

New claims 33 through 40 have been added:

New claim 33 claims the cassette of claim 1 wherein “each of said extensions defines an aperture configured to receive therein one of said latch detents.” Similarly, new claim 37 claims the assembly of two hinges for use on the container of claim 25, wherein each of the extensions “defines an aperture configured to receive therein one of said latch detents. These amendments are supported in the application as filed at paragraph [0039] and Figures 2 through 5.

New claim 34 claims the cassette of claim 1 wherein “each of said extensions is of a height essentially equal to said opposing side walls’ height and said opposing end walls’ height when said top cover is laid flat upon said same surface upon which said bottom wall also rests.” Similarly, new claim 38 claims the assembly of two hinges for use on the container of claim 25, wherein “each of said extensions is of a height essentially equal to said opposing sides’ height when said container is in said first open position.” These amendments are supported in the application as filed at Figure 3 and 5.

New claim 35 claims the cassette of claim 1 wherein “said top cover has a front edge, a back edge, and two side edges, said back edge being connected to said first horizontally oriented hinge portion, said front edge being arranged on said top cover opposite of said back edge, and said extensions extending away from said top cover proximate to said front edge. Similarly, new claim 39 claims the assembly of two hinges for use on the container of claim 25, wherein “said top has a front edge, a back edge, and two side edges, said back edge being connected to said first hinge, said front edge being arranged on said top opposite of said back edge, and said extensions extending away from said top proximate to said front edge.” These amendments are supported in the application as filed at Figures 2 through 7 and 8.

New claim 36 claims the cassette of 1 wherein "said extensions are non-pivotally attached to said top cover." Similarly, new claim 40 claims the assembly of two hinges for use on a container of claim 25 wherein "said extensions are non-pivotally attached to said top." These amendments are supported by the application as filed at Figures 2 through 7 and 8.

None of the amendments made herein add new matter.

### *Claim Rejections - 35 U.S.C. § 103*

#### **Claims 25 and 30-31**

The Examiner rejected claims 25 and 30-31 under 35 U.S.C. § 103(a) as being unpatentable (obvious) over Wittrock (U.S. Pat. No. 5,482,067) in view of Williams (U.S. Pat. No. 4,915,913). The Examiner contends that modifying the instrument cleaning cassette with guided double hinge of Wittrock so as to include the features taught by Williams would result in the present invention, with each and every element thereof.

Claim 25, from which claims 30 and 31 depend, has been amended to specify that the extensions, which are "configured to be of a greater height than said top when said container is in said first open position," are "configured to overlap and contact a portion of said first pair of opposing sides when said top is in said closed position . . . ."

The Examiner has noted that "Wittrock fails to teach 'the container further having a plurality of extensions attached to said top, said extensions extending away from said top, said extensions being oriented essentially perpendicular to said top, said bottom, and said second pair of opposing sides, each of said extensions being configured to overlap a portion of said first pair of opposing sides when said top is in said closed position, and said extensions being further configured to be of a greater height than said top when said container is in said first open position.'" As Wittrock failed to teach these limitations, it also fails to teach such a plurality of extensions that overlap and contact a portion of said first pair of opposing sides when said top is in said closed position.

Williams, in addition, does not teach, or in any way imply, a pair of extensions that are configured to overlap and contact a portion of said first pair of opposing sides when said top is in said closed position. More specifically, the Examiner has contended that Williams teaches extensions (Figure 13: 202) that are configured to be of a greater height than said top when said container is in said first open position. Applicant disagrees in that there is no indication that the feature identified by 202 in Figure 13 would be of a greater height than the top (Fig. 13:C) of the Williams device when the Williams device is open. In any regard, the feature identified as 202 in

Figure 13 of the Williams patent does not both overlap and contact a portion of the first pair of opposing sides when the top is in the closed position. To the contrary, the feature identified as 202 in Figure 13 of the Williams patent contacts neither the top nor the sides of the Williams device.

For the foregoing reasons, neither Wittrock nor Williams, nor a combination thereof, make obvious claims 25, 30 and 31, in light of the amendments to claim 25.

### **Claims 1 and 26**

The Examiner rejected claims 1 and 26 under 35 U.S.C. § 103(a) as being unpatentable (obvious) over Wittrock in view of Dabich (U.S. Pat. No. 4,535,908) and further in view of Williams.

Claim 1 has been amended to specify that said extensions, which are “configured to be of a greater height than said top cover when said top cover is laid flat upon said same surface upon which said bottom wall also rests,” are configured to “overlap and contact a portion of one of said pair of opposing side walls when said top cover is in said closed position . . . .” Similarly, claim 25, from which claim 26 depends, has been amended to specify that said extensions, which are “configured to be of a greater height than said top when said container is in said first open position,” are configured “to overlap and contact a portion of said first pair of opposing sides when said top is in said closed position . . . .”

As discussed above, neither Wittrock nor Williams describe or otherwise imply this limitation. Dabich also does not describe or otherwise imply this limitation, particularly because, as the Examiner noted, Dabich fails to teach, *inter alia*, “a plurality of extensions attached to said top cover . . . .” Accordingly, none of Wittrock, Williams, Dabich, and the combination thereof make obvious all of the limitations of claim 1 and 26 in light of the amendments to claims 1 and 25, respectively.

### **Claim 6**

The Examiner rejected claim 26 under 35 U.S.C. § 103(a) as being unpatentable (obvious) over Wittrock in view of Williams and further in view of Dabich.

As explained directly above with regard to the rejection of claims 1 and 26, none of Wittrock, Williams, and Dabich, and the combination thereof make obvious all of the limitations of claim 26 in the light of the amendments to claim 25.

**Claim 7**

The Examiner rejected claim 27 under 35 U.S.C. § 103(a) as being unpatentable (obvious) over Wittrock in view of Williams and in further view of Kirksey (U.S. Pat. No. 4,576,281).

Claim 27 depends from claim 25. Claim 25 has been amended to specify that the extensions, which are “configured to be of a greater height than said top when said container is in said first open position,” are “configured to overlap and contact a portion of said first pair of opposing sides when said top is in said closed position . . . .”

As explained above, neither Wittrock nor Williams describe or otherwise imply this feature. Likewise, Kirskey does not describe or otherwise imply this feature. Notably, Kirskey does not even describe extensions extending away from said top, let alone extensions that overlap and contact a portion of a first pair of opposing sides when the top is in the closed position. Accordingly none of Wittrock, Williams, Kirksey, and the combination thereof make obvious all of the limitations of claim 27, in light of the amendments to claim 25.

**Claims 28 and 29**

The Examiner rejected claims 28 and 29 under 35 U.S.C. §103(a) as being unpatentable (obvious) over Wittrock in view of Williams and further in view of DeCoster (U.S. Pat. No. 4,723,693).

Claims 28 and 29 depend from claim 25. Claim 25 has been amended to specify that the extensions, which are “configured to be of a greater height than said top when said container is in said first open position,” are “configured to overlap and contact a portion of said first pair of opposing sides when said top is in said closed position . . . .”

As explained above, neither Wittrock nor Williams describe or otherwise imply this feature. Likewise, DeCoster does not describe or imply this feature. Accordingly, none of Wittrock, Williams, DeCoster, and the combination thereof make obvious all of the limitations of claims 28 and 29, in light of the amendments to claim 25.

In view of the above remarks and amendments, which add no new matter, Applicant respectfully submits that the present invention is patentable and respectfully requests the same.

***Conclusion***

If the Examiner feels it would advance the application to allowance or final rejection, the Examiner is invited to telephone the undersigned at the number given below.

Reconsideration and allowance of the application as amended is respectfully requested.

DATED this 3<sup>rd</sup> day of November, 2008.

Very respectfully,

/Elizabeth Herbst Schierman/

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CERTIFICATE OF TRANSMISSION

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